

OPINION SUMMARY
MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION TWO

STATE OF MISSOURI,) No. ED102827
)
Appellant,) Appeal from the Circuit Court of
) St. Louis County
vs.)
) Honorable Michael D. Burton
LARRY WRIGHT,)
)
Respondent.) Filed: December 15, 2015

The State of Missouri appeals the Circuit Court of St. Louis County's order granting Larry Wright's (Defendant) motion to dismiss, finding that the State's indictment for possession of child pornography violated the statute of limitations provided in § 556.036.2(1). The State argues that possession of child pornography is a continuing course of conduct and, therefore, the statute of limitations does not begin to run until the defendant's possession has terminated, pursuant to § 556.036.4.

REVERSED AND REMANDED.

Division II Holds: The legislature, in criminalizing the possession of child pornography, intended to prohibit a continuing course of conduct for purposes of the statute of limitations. Accordingly, the statute of limitations for possession of child pornography does not begin to run until the defendant's possession has terminated.

Opinion by: Philip M. Hess, P.J.
Gary M. Gaertner, Jr., J. and Angela T. Quigless, J. concur.

Attorney for Appellant: Gregory L. Barnes

Attorney for Respondent: William J. Ekiss

THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.
--